

The Georgia State Board of Pharmacy met on November 17, 2004 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

- Mickey Tatum, President
- Eddie Madden, Vice-President
- Charles Palmer
- Bill Prather
- Fred Barber
- Robbie Dial
- Judy Gardner
- Pat McPherson

Staff Present:

- Janet Wray, Board Attorney
- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant

Visitors Present:

- Elizabeth Higgins
- Representative Ron Stephens
- Bob Weinholt, Advocate
- Bob Dufort, Wal-Mart
- Thomas L. Simons, Wal-Mart

Mr. Tatum established that a quorum was present, and called the meeting to order at 10:02 a.m.

Mr. Palmer moved, Mrs. Gardner seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §§43-1-19(h)(2) and 43-1-2(k) to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Barber, Mr. Dial, Mr. Madden, Mr. McPherson, Mr. Prather, and Mr. Tatum.

At the conclusion of the EXECUTIVE SESSION, the Board declared an **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

APPOINTMENT (S)

- The Board met with Matthew Higgins and his spouse, Mrs. Elizabeth Higgins, to discuss possible reinstatement.
- The Board met with John Leffler, Jr. and his employer, Representative Ron Stephens, to discuss possible reinstatement.
- The Board met with Richard Webb to discuss possible reinstatement.
- The Board met with M.L. and her advocate, Mr. Bob Weinholt, to discuss approval of initial licensure as a pharmacist.
- The Board met with Mr. Bob Dufort and Mr. Thomas Simons regarding Wal-Mart's request for approval of their drive-thru facilities as it pertains to Rule 480-5-03(i).

Matthew Higgins: Mr. Prather made a motion to deny Mr. Higgins request for reinstatement of his license. Mr. Barber seconded the motion with Mr. Madden abstaining.

John Leffler: Mr. Palmer made a motion to approve Mr. Leffler's request to lift his suspension effective December 20, 2004. Mr. Prather seconded the motion and it carried unanimously.

Richard Webb: Mr. Prather made a motion to place Mr. Webb's application on hold until such time that he has resolved his issues with the DEA and OIG. However, he can proceed with completing the Pharmacy Review Course and MPJE examination. Mr. Madden seconded the motion and it carried unanimously.

M.L.: Mr. Barber made a motion to approve M.L.'s request for initial licensure under a Private Consent Order. Mr. Dial seconded the motion and it carried unanimously.

Wal-Mart Stores, Inc.: Mr. Dial made a motion to approve **only** the following Wal-Mart Drive-thru Pharmacies, (1) Lovejoy, (2) Woodstock, (3) Marietta and (4) Ft. Oglethorpe, but these stores must be retrofitted to include handsets. Because the Board does not agree with this type of system, since it is not directly connected to the pharmacy utilizing the current schematics and pneumatic systems, future stores will need to be retrofitted to incorporate the new Rules & Regulations which are currently being revised. The Board also thanked Wal-Mart for bringing to the Board's attention other facilities that are not in compliance with the Rules and Regulations. Mr. Palmer seconded the motion and it carried with Mrs. Gardner, Mr. Prather and Mr. Madden opposing.

Janet Wray, Attorney General's Office:

- A status report (as of November 2004) on current cases was reviewed. In addition, Mrs. Wray discussed a call she received from the Department of Community Health requesting that the Pharmacy Board allow a link to the OIG website be installed.
- Mrs. Wray requested approval to amend the following private consent orders to include five years probation:
 - K.B.
 - M.H.
 - G.M.
 - S.S.

The following vote was made in reference to Mrs. Wray's report:

Mr. Madden made a motion to approve a link be installed from our website to the OIG website. Mr. Palmer seconded the request and it carried unanimously.

Mr. Madden made a motion to accept the amended Private Consent Orders as signed:

- K.B.
- M.H.
- G.M.
- S.S.

Mr. Palmer seconded the motion and it carried unanimously.

Eddie Madden, Cognizant Board member reported on the following cases:

- A04-47, A04-56, A04-60, A04-61, A04-62, A27147 and B27038 (#PHAR040080).

The following votes were made in reference to the Cognizant Member's report:

#A04-47: The cognizant member recommended a public reprimand to include a \$500.00 fine for unlawful filling of a prescription. Mr. Barber made a motion to approve the recommendation. Mr. Prather seconded the motion and it carried unanimously.

#A04-56: The cognizant member recommended requesting the pharmacist to undergo an evaluation by an addictionologist within 30 days and a fine of \$500.00. Mr. Prather made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

#A04-60: The cognizant member recommended a public reprimand to include a \$500.00 fine for receiving samples from physicians, placing them in improperly labeled stock containers, and dispensing them to indigent patients at no cost. Mr. Palmer made a motion to approve the recommendation. Mr. Barber seconded the motion and it carried unanimously.

#A04-61: The cognizant member recommended requesting the Attorney General's office move forward with a Summary Suspension of this pharmacist's license. Mr. Palmer made a motion to approve the recommendation. Mr. Prather seconded the motion and it carried unanimously.

#A04-62: The cognizant member recommended issuing a public reprimand to include a \$500.00 fine for each of the following offenses: (1) Unlawful dispensing of drug samples for profit; (2) Maintaining a large quantity of expired medications and misbranded medications; (3) Being unable to produce a biennial DEA inventory or invoices for large quantities of hydrocodone and carisprodol found in the pharmacy; and (4) Maintaining a pharmacy in an unsanitary manner and for not maintaining a Schedule V exempt narcotic book. In addition, the pharmacist must allow GDNA agents to review all records and conditions in the pharmacy every six months. Mr. Prather made a motion to approve the recommendation. Mr. Dial seconded the motion and it carried unanimously.

#A27147: The cognizant member recommended issuing a public reprimand along with a \$500.00 to both the Pharmacy and Pharmacist for utilizing four technicians which is a violation of the Rules and Regulations. Mr. McPherson made a motion to approve the recommendation. Mr. Prather seconded the motion and it carried unanimously.

#PHAR040080/GDNA #B-27038: Mr. Dial moved to refer the Attorney General's office for a public reprimand to include six months suspension, one year of probation and completion of CEU's pertaining to medication administration and standards of pharmacy practice. Mr. Prather seconded the motion and it carried unanimously.

Election of New Officers:

- Mr. Prather made a motion to **approve** Eddie Madden, RPh, as President of the Pharmacy Board. The motion was seconded by Mr. Barber and was approved by the Board.
- Mrs. Gardner made a motion to **approve** Bill Prather, RPh, as Vice-President of the Pharmacy Board. The motion was seconded by Mr. Dial and was approved by the Board.

The Board voted for the following regarding submitted applications and requests:

- **Reinstatement Application of Willis Holland:** Mr. Palmer made a motion to approve Mr. Holland's reinstatement application since he has completed all requirements of Policy #3A. Mr. Prather seconded the motion and it carried unanimously.
- **Reciprocity Application of R.W.:** Mr. Prather made a motion to approve R.W.'s application for reciprocity. Mr. Palmer seconded the motion and it carried unanimously.
- **Reciprocity Application of N.A.N.:** Mr. Barber made a motion to deny N.A.N.'s application for reciprocity due to disciplinary actions taken against him in Oregon. Mr. Prather seconded the motion and it carried unanimously.

Letter from Julius Williams: Mr. Madden made a motion to grant Mr. Williams' request to meet with the Board to discuss possible reinstatement of his license. Mrs. Palmer seconded the motion and it carried unanimously.

Letter from Leroy Tolliver ref: Charles Moyer: Mr. Palmer made a motion to approve Mr. Moyer's community service request. Mr. Prather seconded the motion and it carried unanimously.

Letter from Cynthia Johnson: Mr. Palmer made a motion to approve Mrs. Johnson's request to lift supervised practice. Mr. McPherson seconded the motion and it carried unanimously.

Letter from Sally Haislip: Mr. Barber made a motion to deny Mrs. Haislip's request to lift her Consent Order early. Mr. Dial seconded the motion and it carried unanimously.

Letter and additional information from John Marzullo: Mr. Palmer made a motion to grant Mr. Marzullo an appearance before the Board to discuss possible reinstatement of his license. Mr. Dial seconded the motion and it carried unanimously.

Letter from Michael Bendinelli: Mrs. Gardner made a motion to grant Mr. Bendinelli's request to meet before the Board to discuss possible solutions for unit-of-use packing and product identification. Mr. Barber seconded the motion and it carried unanimously.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Palmer made a motion to ratify all newly licensed pharmacists/pharmacy interns. Mr. Barber seconded the motion and it carried unanimously. (Attachment 1)

Draft – October 20, 2004 Board Meeting Minutes: Mr. Palmer made a motion to approve the minutes. Mr. Barber seconded the motion and it carried unanimously.

Listing of Administratively Approved Reinstatement Applications: Mr. Dial made a motion to approve the reinstatement applications, administratively approved by the Board staff. Mrs. Gardner seconded the motion and it carried unanimously. (Attachment 2)

Letter from James E. Wynn, Ph.D., R.Ph, Professor and Dean, at South University School of Pharmacy: The Board reviewed the letter submitted by Dr. Wynn. At this time, the Board will work towards ratifying the exam dates to better accommodate their graduation in May. The Board requested that Mrs. Bond meet with our Examination Unit to discuss the exam months: January, May and July.

Sandy Bond, Executive Director:

- Mrs. Bond brought to the Board's attention Dr. Heller's letters and accusations against Mercer University and Dean Matthews. The Board recommended that Ms. Bond refer him to NABP.
- Review memorandum from NABP referencing the reporting of actions to HIPDB. This was viewed as informational by the Board.

There being no further business to be discussed, the meeting was adjourned at 4:45 p.m.

Mickey Tatum, President

**Mollie L. Fleeman, Division Director
Professional Licensing Boards Division**

**Minutes Prepared By: Ylice Crews, Administrative Assistant
Reviewed/Edited By: Sylvia L. Bond, Executive Director**